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August 14, 2017

**VIA ECF**

The Honorable Donovan W. Frank  
United States District Court  
724 Federal Building  
316 North Robert Street  
St. Paul, MN 55101

RE: *Blue Cross Blue Shield of Minnesota, et al. v. Wells Fargo Bank, N.A.*  
Court File No: 0:11-cv-02529-DWF-KMM

Dear Judge Frank:

Pursuant to the Court's July 14, 2017 Order, the parties' Proposed Findings of Fact and Conclusions of Law on Damages along with a brief on the recoverability and appropriate measure of damages is due on Friday, August 18 and the parties' response brief on damages is due Friday, September 1. See Docket Nos. 697 and 698.

In preparing their respective submissions, the parties have been meeting and conferring in an attempt to reach certain stipulations to reduce the number of issues to be decided by the Court.<sup>1</sup> Specifically, the parties are working to update their respective damages and investment loss calculations to reflect events since trial. While the parties are making progress towards updated stipulated calculations, the parties will not be able to conclude their meet and confer efforts before their submissions are due to the Court on August 18. As a

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<sup>1</sup> As set forth in its recent Proposed Findings of Facts and Conclusions of Law, Docket No. 701, Wells Fargo maintains that the jury's verdict is dispositive of the ERISA Plaintiffs' claims and Wells Fargo did not breach a fiduciary duty under ERISA. Accordingly, Wells Fargo does not believe Plaintiffs are entitled to recover damages and will file a brief in support of that position.

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result, the parties jointly propose the following modest extension of deadlines for the damages submissions:

**Friday, September 29:** Parties submit Proposed Findings of Fact and Conclusions of Law on Damages along with a brief on the recoverability and appropriate measure of damages.

**Friday, October 13:** Parties submit a 10-page response brief on damages.

Respectfully submitted,

*s/ Lindsey A. Davis*

Lindsey A. Davis

cc: All counsel of record (via ECF)